

~~SECRET~~

JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Wednesday - 4 June 1975

CIA INTERNAL USE ONLY

1. (Internal Use Only - RJK) Delivered to the offices of Senators Claiborne Pell (D., R.I.) and Gale W. McGee (D., Wyo.) FBIS items in which their names were mentioned.

2. (Secret - RJK) Delivered to Charles Snodgrass, Defense Subcommittee staff, House Appropriations Committee, Agency responses to questions raised in the 22 April briefing by the Director from Representative Robert L.F. Sikes (D., Fla.), and also responses to questions raised by Chairman Mahon, in the Director's appearance before the Subcommittee on 6 May. I advised Snodgrass that we were continuing to put together the follow-up items which remained.

3. (Internal Use Only - RJK) Met with Robert Allnut, staff director, Senate Aeronautical and Space Sciences Committee, and, per arrangements made by [] left a memorandum relating to the Soviet manned space effort with him. I advised him that the Agency courier would pick up the document later this afternoon. Allnut said these arrangements were satisfactory to him. [] alerted the OCI couriers to pick up the document.

25X1

25X1

25X1

5. (Unclassified - DFM) Called George Gilbert, OMB, to report the Agency had no objection to the proposed June 6 statement by David Wallace of the National Oceanic and Atmospheric Administration before the Senate Committee on Commerce. Wallace's statement concerned S. 961, which would establish a 200 nautical mile U. S. exclusive fisheries zone. We had received the statement an hour or so earlier from OMB with a COB June 4th deadline for comments. I had verified the accuracy of the statement by phone with []

OGCR.

CIA INTERNAL USE ONLY

~~SECRET~~

2 IMPDET CL BY *Alger*

25X1

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

June 3, 1975

LEGISLATIVE REFERRAL MEMORANDUM

To: Legislative Liaison Officer

| | | |
|----------|----------|-----|
| State | Interior | CEQ |
| DOT | Justice | EPA |
| Treasury | AID | NSC |
| DOD | CIA | NSF |

Subject: Commerce proposed testimony on S. 961, a bill "To extend, pending international agreement, the fisheries management responsibility and authority of the U.S. over the fish in certain ocean areas in order to conserve and protect such fish from depletion, and for other purposes."

The Office of Management and Budget would appreciate receiving the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

() To permit expeditious handling, it is requested that your reply be made within 30 days.

(xxx) Special circumstances require priority treatment and accordingly your views are requested by COB WEDNESDAY, JUNE 4, 1975 in connection with hearings scheduled for June 6. Comments and specific suggestions for changes may be given informally by telephone.

Questions should be referred to Mike Usnick (103 x4580) or to George R. Gilbert (103 x4710), the legislative analyst in this office.

James F. C. Hyde, Jr. for
Assistant Director for
Legislative Reference

Enclosures

Statement by
David Wallace
Associate Administrator for Marine Resources
National Oceanic and Atmospheric Administration
Department of Commerce

before

Senate Committee on Commerce

Re S 961

Mr. Chairman and members of the Committee, thank you for the opportunity to testify this morning. I welcome this chance to present our views on what is probably the most significant event to affect the fisheries of the United States in the history of our nation. ^P Rather than comment on the specifics of S. 961, ~~this morning~~, I would prefer to give you our views on the management of fisheries under the concept of a 200-mile exclusive fisheries zone. This approach presents the United States with a unique opportunity. [We will have control of the largest and most valuable fish resource available to any nation in the world. Coupled with an effective management regime, it would give us the opportunity to establish sound management programs over our coastal fish resources to assure conservation of fish stocks and to permit efficient patterns of utilization. This control of fish stocks is essential whether it is attained by LOS action or by separate action of the Congress.] In the latter case, however, it is our view that legislation should not become effective until September 1, 1976.

^P Some fish resources of the United States are in trouble. Status of the stocks reports show serious overfishing on many of our most valuable species [with the catch peaking several years ago and declining steadily ever since. Much, but not all, of this decline is a result of excessive

foreign effort off our coasts and the failure of existing international agreements to protect these resources adequately. Indeed, there is a feeling by some that the only problem with the coastal U.S. fisheries is a result of foreign fishing. This is not entirely correct; while much of the overfishing has been caused by foreigners, there are instances where domestic overfishing has caused serious damage. To effectively conserve the fisheries resources, both foreign and domestic fishermen must come under the management regime. New mechanisms are required and the 200-mile exclusive economic zone will in our estimation provide the needed framework for conservation.

However, simple declaration of a 200-mile exclusive zone is not enough ; it must be coupled to a management regime which can effectively regulate the harvesting of fish whether done by foreign or domestic fishermen. Let me emphasize that our objectives are the same as yours. We want to protect the fish resources to ensure their survival at optimum levels which in turn will provide an opportunity for our recreational and commercial fishermen to catch more fish on a continuing basis, and for our consumers to buy more fish for the dinner table at a fair price.

We in NOAA have been studying the implications for effective management of fisheries in a 200-mile zone, and the kind of legislative authority required to provide the necessary management tools to adequately protect the living marine resources and enhance the domestic fisheries of the United States. A staff report titled "Fisheries Management Under Extended Jurisdiction, A Study of Principles and Policies" was recently

-3-

prepared at my direction and distributed widely for comment. Based on this report and the comments and discussions we have had with State and industry leaders, [we have identified three major components of the management regime.]

[The regime first must have a system for data collection and analysis.] The data must include accurate and timely information on catch. The catch data supplemented by resource surveys will be the basis for assessing the condition of the resources and the effects of fishing on the stocks. [We must also have information on the economics of the harvesting and processing industries, and we must know about the employment in these segments in order to evaluate the impacts of any proposed regulations.]

[Second, the regime must have a policy determining and regulating component. This component must consider individual, State, national, and international problems; it must be decisive and equitable in the decisions made in such areas because such decisions can affect people and how they make a living.]

Third, the regime must have means to enforce the regulations and adjudicate violations, at State, national, and international levels as appropriate.

Management of stocks, which *move from one state to another* regularly ignore our jurisdictional boundaries requires a system of strong regional fishery ^{org} organizations. This concept is supported by almost all of those who commented on the Extended Jurisdiction Staff Report. The problems may be State, local, or national in scope, but their solutions are best developed in the

region by those most intimately concerned. There is general agreement that Regional Marine Fisheries Councils should be established to develop the management plans for each of the fisheries in a region. Seven such Councils are needed; one for the Atlantic Coast from Maine ^{to} Virginia, another for the Atlantic Coast from North Carolina ^{Key West} to Florida, one for the Gulf from the west coast of Florida to Texas, one for the Caribbean Islands, one for the west coast States from California ^{Alaska} to Washington, another for Alaska, and the seventh for Hawaii and the United States island possessions and trust territories in the Pacific. The three existing Marine Fisheries Commissions could serve in an advisory role to some of the Councils but it is our view and that of a number of those who reviewed the Report that the Commissions should not be the regional fisheries management organization. There is some disagreement on composition of the Councils, but it is our view that they should be composed of representatives of the State agencies responsible for management of marine fisheries, along with appropriate representatives of the Federal Government. In addition, there must be some formal mechanism for obtaining advice from concerned groups, commercial and recreational fisheries, environmental groups, and the general public.

The States must have a strong role in the development and implementation of management plans. Counting the commercial and recreational catch together, about 70 percent of today's domestic harvest is taken within 3 miles of shore, and the existing State management programs *on many of these resources* amount to approximately \$60 million a year. ^{States} They already have a capability for management which should be utilized insofar as is

feasible and practical. However, ~~it is not to be expected that our~~
~~coastal fisheries will be utilized by both domestic and foreign~~
~~fishermen.~~ ~~With the proposed Federal role.~~

The States now have the major enforcement capability for domestic fisheries and they should be encouraged and aided to continue this function under extended jurisdiction where feasible. Increased State activities will require additional funding which will be a problem for most States. This problem should be examined and dealt with in any future partnership arrangement.

It is a basic principle in the management of any wild animal populations that the stock, or population, be managed as a unit throughout ~~the~~ ^{its} range. The 70 percent of the domestic harvest within 3 miles of shore is mostly comprised of stocks that migrate across the boundary of the 3-mile territorial sea or the boundaries of adjacent States. There must be a single ^{focus} ~~authority~~ to manage ~~the~~ ^{each} stock throughout its range. This ^{central focus} ~~authority~~ can be vested in the Regional Councils, ^{with implementation by appropriate state and Federal action.} For fish stocks ^(those) ~~that migrate~~ ^(live primarily) outside State jurisdiction, the Federal Government must have ultimate management responsibilities but with substantial advice and assistance from Regional Councils.

Ideally, the States involved should get together for joint management but to date effective interstate action has been most difficult. Much of the difficulty lies with the lack of uniform legislation which would enable the States to function effectively in interstate,

or State-Federal management programs, such as would be envisioned under the Regional Council concept. This problem has been recognized and under contract from the National Marine Fisheries Service, the Council of State Governments has been working on Model State Legislation to overcome this barrier. A review of the proposed model legislation will be held by the Council this month in Hyannis, Massachusetts. I cannot over emphasize the need for the States to adopt ~~some version of~~ this model legislation *if their existing legislation is not consistent with it.*

The creation of the 200-mile economic zone will give to the United States preferential rights to coastal fish resources and we expect to exercise positive control of the foreign fishermen who wish to utilize these resources. We must create the situation which will permit United States fishermen to take up to their potential within the limits of the resource. If our fishermen, commercial and *recreational?* ~~port~~ - can properly utilize the stocks, additional fishing by foreign fishermen would not be allowed.

It is our view that foreign fishermen should pay for the privilege of participation in our coastal fisheries. This would include a fair share of all the costs of management (research, administration, and enforcement) and possibly a fee for resource use as well. In addition, they must provide all of the catch information required by the management regime. This might well be best accomplished by placing observers on each vessel to collect the data and observe the operations. In this way, we could reduce the need for greatly

expanded and expensive aircraft and surface vessel surveillance. The whole question of enforcement and surveillance is a complex one particularly in determining how much is enough and what is the best combination of methods to use. We are currently working very closely with the Coast Guard and other Federal agencies on a thorough analysis of the entire problem.

So far I have been talking about the management of our coastal stocks and have not commented on the management of the anadromous stocks of salmon or the highly migratory species such as tuna that cross the 200-mile lines. The management of these will require international action in addition to a State-Federal interaction for their management within the 200-mile zone.

Our basic position in the Law of the Sea Conference has been that the basic responsibility for management of anadromous species must be lodged in the country where the fish originate. Furthermore, the fishing should be primarily confined to the economic fishing zone. However, it is obvious that certain historical fisheries have existed on the high seas. Provision must be made for appropriate international arrangements which would provide for dealing with these offshore fisheries, in the interests of conservation and the domestic fishermen.

We must also provide in this legislation a mechanism which will protect our fishermen who are fishing for highly migratory species off the coasts of other countries. Our tuna fleet is composed of some of our most sophisticated fishing vessels and crews. Our position

been and remains firmly that the highly migratory species, such as the tunas, must be managed in the interest of conservation and equitable sharing of the stocks by international bodies with authority to make adequate regulations to accomplish these goals. Furthermore, we must provide the atmosphere which will allow our Government to negotiate appropriate bilateral agreements with other countries for access to a share of fisheries off their coast.

The management of the United States coastal fisheries is complex. The fish stocks are many and varied and the people who harvest and process the catch are equally so. Provision must be made for the development of fisheries management plans, each tailored to specific needs of regional fisheries problems, and prepared cooperatively with the States with advice and input from affected local interests. The Federal Government must hold a position of general leadership and authority for regulating the fisheries but it must also be exercised in concert with the State Governments. This should lead to the development of rational, uniform management programs.

Mr. Chairman, I will be pleased to try to answer any questions the Committee may wish to ask. Thank you.